

1 MCGREGOR W. SCOTT  
2 United States Attorney  
3 LAUREL D. WHITE  
4 Assistant U.S. Attorney  
5 501 I Street, 10th Floor  
6 Sacramento, California 95814  
7 Telephone: (916) 554-2780

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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA, ) CR. S--05-032-DFL  
15 ) CR. S-01-108-DFL  
16 Plaintiff, ) GOVERNMENT'S EXPARTE MOTION TO  
17 v. ) DISCLOSE GRAND JURY TESTIMONY  
18 ) TO DEFENDANT AND COURT;  
19 MICHAEL STEPHEN DAHL, ) PROPOSED ORDER.  
20 )  
21 Defendant. ) DATE: September 1, 2005  
22 ) TIME: 10 a.m.  
23 ) JUDGE: David F. Levi

24 The government hereby respectfully requests that this court  
25 order the limited disclosure of grand jury testimony to be used  
at the sentencing hearing of Michael Dahl. The purpose of the  
testimony is to demonstrate that Dahl's victim sustained extreme  
psychological injury and to support the imposition of a 4-level  
enhancement to defendant's offense level pursuant to U.S.S.G. §  
2A3.1(b)(1). Accordingly, the government respectfully requests  
that this court order the limited disclosure of the victim's  
grand jury testimony so that it may be provided to the defense  
counsel, the probation officer, and this court, prior to the  
sentencing hearing.

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1 Pursuant to 18 U.S.C. § 3509(d)(1) all employees of the  
2 government connected with a case involving a minor victim...,  
3 employees of the court and the defendant and employees of the  
4 defendant, including the attorney for the defendant and persons  
5 hired by the defendant to provide assistance in the proceeding,  
6 **shall** keep all documents that disclose the name or any other  
7 information concerning a child in a secure place to which no  
8 person who does not have reason to know their contents has  
9 access. Accordingly, as the grand jury testimony reveals the  
10 name of the victim and other information concerning that minor  
11 victim, any parties having access to such information shall  
12 maintain it in a secure location.

13 Date: June 15, 2005

Respectfully submitted,

14 MC GREGOR W. SCOTT  
15 United States Attorney

16 By \_\_\_\_\_  
17 LAUREL D. WHITE  
18 Assistant U.S. Attorney

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## **ORDER**

\_\_\_\_ Upon Application of the United States of America and good cause having been shown,

4 IT IS HEREBY ORDERED that the transcript of the Grand Jury  
5 testimony of the minor victim in the above-entitled case may be  
6 disclosed to the defendant counsel, the probation officer, and  
7 the court. All parties shall keep all documents that disclose  
8 the name or any other information concerning the minor victim in  
9 a secure place to which no person who does not have reason to  
10 know their contents has access.

**IT IS SO ORDERED.**

Dated: 6/17/2005

DAVID F. LEVI